

## NAYS—10.

Chesley,  
Collins,  
Evans,  
Johnson of Collin,

Jones,  
Kleberg,  
Matlock,

Pfeuffer,  
Shannon,  
Traylor.

## TWENTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 31, 1884.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton,

The reading of the journal of yesterday was dispensed with, and

The journal was adopted.

Senator Matlock moved to suspend the regular order of business and take up Senate bill No. 61, "An act authorizing towns and villages incorporated for free school purposes only to issue bonds for the purpose of purchasing sites and erecting school houses thereon within the limits of such incorporated town or village, and to levy a tax to pay for the same."

The Senate refused to suspend the regular order of business to take up the bill by the following vote:

## YEAS—9.

Evans,  
Farrar,  
Fowler,

Johnston of Shelby, Peacock,  
Martin, Stratton,  
Matlock, Terrell.

## NAYS—15.

Buchanan,  
Chesley,  
Collins,  
Getzendaner,  
Gooch,

Harris,  
Houston,  
Johnson of Collin,  
Kleberg,  
Perry,

Pfeuffer,  
Pope,  
Randolph,  
Shannon,  
Traylor.

Senator Traylor entered a motion to reconsider the vote by which Senate substitute for House bill No. 13, "An act to amend 'an act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same,' approved April 1, 1879, and to extend the right of redemption," was passed yesterday.

Senator Traylor withdrew the motion, and moved that the House be requested to return said bill.

Adopted.

The President laid before the Senate, substitute for House bills Nos. 50 and 84, "An act to prohibit the unlawful fencing or enclosing or keeping enclosed the lands of another, and of the public, public school, university and asylum lands of the State of Texas, and to provide a penalty therefor," which was made the special order for this hour.

Senator Pope offered a substitute for the bill, which was

Ordered to lie on the table for the time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has

passed substitute for House bills Nos. 56 and 57, a bill to be entitled "An act to amend sections 31 and 38 of 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Gooch offered the following amendment:

Strike out of the bill the words "public school, university or asylum," and provisions relating thereto, and add to the bill the following sections relating to the said public school, university, and asylum lands:

SECTION -. *Be it enacted by the Legislature of the State of Texas*, That it shall be unlawful for any person, firm or corporation to fence, or aid in fencing, or cause to be fenced, any school, university or asylum lands, within this State, unless the same shall have been first leased from the State.

SEC. -. It shall be unlawful for any person, firm or corporation to herd, or aid in herding, or cause to be herded, loose herded or detained for grazing, any cattle, horses or sheep on any school, university or asylum lands within this State, unless the same shall have first been leased from the State.

SEC. -. Any person who shall knowingly violate any of the provisions in sections 1 or 2 of this act shall be guilty of a misdemeanor and, upon conviction, shall be fined one hundred dollars for each year, or part of a year, for each section, or part of a section (meaning each six hundred and forty acres of land or less whether surveyed in sections or not), which shall be used or trespassed upon contrary to the provisions of this act.

SEC. -. The owner of the cattle, horses or sheep shall be liable to the State in the sum of one hundred dollars for each year, or part of a year, for each six hundred and forty acres or less that may be used or trespassed upon, contrary to the provisions of this act, which may be recovered in a civil action, without affecting the criminal prosecutions prescribed herein.

SEC. -. Where such unleased land is now fenced, or herded upon, contrary to the provisions of this act, it shall be a bar to the criminal and civil prosecution hereinbefore provided for any violation prior to January 1, A. D. 1885, if the violator of this act, or the owner of the cattle, horses or sheep, shall, prior to the first day of September, A. D. 1884, pay into the State treasury thirty-two dollars for each section of six hundred and forty acres (or tract of less size) used contrary to this act, for the benefit of the fund to which the land belongs.

SEC. -. The State Land Board shall make suitable rules and regulations, and appoint agents to protect the interest of the State in matters arising under this act.

SEC. -. The Governor is authorized, and it is made his duty, to employ all means which he may think proper and necessary to ascertain all infractions of this act in the unorganized counties, with a view to the enforcement of this act, and, to enable him to secure the enforcement of this act, in such unorganized counties, the sum of ten thousand dollars is hereby appropriated out of the money arising from the lease of lands mentioned in this act.

Adopted.

Senator Pope withdrew his substitute and offered the following amendment to the amendment of Senator Gooch, just adopted:

Amend by inserting the word "felony" for "misdemeanor," and add thereto the following: "and shall upon conviction be punished by imprisonment in the penitentiary for a term not less than one nor more than three years, or by fine not less than \$200 nor more than \$2000," and striking out balance of section down to the proviso.

Senator Traylor offered the following amendment to the amendment of Senator Pope:

Strike out all about the penitentiary, and also strike out "not less than \$200 nor."

Adopted by the following vote:

## YEAS—14.

Cooper,	Harris,	Patton,
Evans,	Houston,	Peacock,
Getzendaner,	Johnston of Shelby,	Stratton,
Gibbs,	Martin,	Traylor.
Gooch,	Matlock,	

## NAYS—10.

Chesley,	Kleberg,	Pope,
Fowler,	Perry,	Shannon,
Johnson of Collin,	Pfeuffer,	Terrell.
Jones,		

Senator Pope's amendment as amended was lost.  
 Senator Pope offered the following amendment:

That any person at the time of so enclosing such land of another, without the legal or equitable right thereto, may exempt himself from all the penalties and liabilities of this act by constructing a fence upon his own land entirely around the land so enclosed of another, thus segregating from his pasture the said land of another, and by giving him ingress and egress through and over his said pasture, with as many as four gates at such points on both fences as may be indicated by the person having his land so enclosed; and, provided, that this act shall not apply to enclosures of two hundred acres and less, nor in cases of disputed lines of adjoining surveys.

Adopted by the following vote:

## YEAS—23.

Chesley,	Johnson of Collin,	Pfeuffer,
Collins,	Johnston of Shelby,	Pope,
Cooper,	Jones,	Randolph.
Evans,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gooch,	Patton,	Traylor.
Houston,	Perry,	

## NAYS—2.

Gibbs,	Harris.
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Senator Matlock offered the following amendment:

Add the following section:

SEC. —. That any person enclosing the unoccupied lands of another may avoid the penalties of this act by depositing for the benefit of the owner of such land, with the State Treasurer, the sum of six cents per acre, for each tract enclosed for each year or fraction of a year the same is enclosed.

Senator Pfeuffer offered the following amendment to the amendment of Senator Matlock:

Substitute "ten cents" for "six cents per acre."  
 Accepted.

Senator Terrell offered the following amendment to the amendment of Senator Matlock:

"Until twenty days after possession thereof is demanded by the true owner."

Withdrawn.

Senator Chesley offered the following amendment:

Amend by adding the following: "Provided, the person so fencing either owns or legally controls the lands surrounding the land of another so enclosed."

Accepted, and

Made part of the bill.

Senator Traylor offered the following amendment to the bill. Add:

SEC. —. This act shall not apply to persons who may be settled upon land not their own, when the principal pursuit of such person is that of agriculture.

Adopted.

Senator Terrell offered the following amendments:

Amend by striking out the words "or corporation," in section 1, line 2, and strike out all after the word "years," line 7, down to and including the word "than," in line 8.

Adopted.

Also add to section 1, "within the meaning of the word 'person,' as made in this act, is included every one managing or controlling for a corporation, firm or joint stock company, and every individual or person who shall act, aid or direct in the violation of this act."

Adopted.

Senator Gibbs offered the following amendment:

Amend by adding to section 2, "the person enclosing lands belonging to individuals shall not be liable to the penalties herein imposed until he has been notified in writing by the owner, his agent or attorney, to turn out the land so enclosed."

Senator Kleberg moved the previous question on the amendments and passage of the bill to its third reading.

Motion seconded, and

Main question ordered.

The amendment of Senator Gibbs was lost, by the following vote:

## YEAS—9.

Evans,	Harris,	Peacock,
Farrar,	Houston,	Randolph,
Gibbs,	Johnston of Shelby,	Traylor.

## NAYS—17.

Buchanan,	Johnson of Collin,	Perry,
Chesley,	Jones,	Pfeuffer,
Collins,	Kleberg,	Pope,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gooch,	Patton,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
 AUSTIN, January 31, 1884.

To the Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has passed substitute House bills Nos. 2, 8, and 9, "An act to prescribe the punishment for the wanton and wilful cutting, injuring or destroying fences." Passed by a two-thirds vote—ayes 71, nays 22.

Respectfully,

J. W. BOOTH, Chief Clerk.

Bill passed to its third reading by the following vote:

## YEAS—20.

Chesley,	Johnson of Collin,	Pope,
Collins,	Jones,	Randolph,
Farrar,	Kleburg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gooch,	Perry,	Traylor.
Houston,	Pfeuffer,	

## NAYS—5.

Evans,	Harris,	Peacock.
Gibbs,	Patton,	

Bill read the third time.

Senator Harris offered the following amendment:

Strike out the caption, and insert in lieu thereof the following: "An act to legalize trespass and the

appropriation by one person of the lands of another without his consent."

Senator Matlock moved to table the amendment of Senator Harris.

Adopted by the following vote:

## YEAS—19.

Buchanan,	Johnson of Collin,	Perry,
Chesley,	Johnston of Shelby,	Pfeuffer,
Collins,	Jones,	Pope,
Cooper,	Kleberg,	Shannon,
Evans,	Matlock,	Stratton,
Farrar,	Peacock,	Traylor.
Getzendaner,		

## NAYS—8.

Fowler,	Houston,	Randolph,
Gibbs,	Martin,	Terrell.
Harris,	Patton,	

Senator Jones offered the following amendment:  
Strike out section —, providing for the deposit of money in the State treasury by parties enclosing land.

Senator Pope offered the following substitute for the amendment of Senator Jones:

Strike out all in the bill referring to payment of money for use of private lands to State treasurer.  
Accepted, and

The Senate refused to adopt it as a part of the bill by the following vote:

## YEAS—10.

Farrar,	Kleberg,	Randolph,
Fowler,	Patton,	Shannon,
Houston,	Pope,	Traylor.
Jones,		

## NAYS—16.

Buchanan,	Gooch,	Matlock,
Chesley,	Harris,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Stratton,
Getzendaner,	Martin,	Terrell.
Gibbs,		

Bill passed by the following vote:

## YEAS—17.

Buchanan,	Gooch,	Perry,
Chesley,	Johnson of Collin,	Pope,
Collins,	Johnston of Shelby,	Stratton,
Cooper,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,	Matlock,	

## NAYS—10.

Evans,	Houston,	Peacock,
Farrar,	Jones,	Randolph,
Gibbs,	Patton,	Shannon.
Harris,		

## YEAS—19.

Buchanan,	Johnson of Collin,	Pfeuffer,
Chesley,	Johnston of Shelby,	Pope,
Collins,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gooch,	Perry,	Traylor.
Houston,		

## NAYS—8.

Evans,	Harris,	Peacock,
Farrar,	Jones,	Randolph.
Gibbs,	Patton,	

Senator Houston moved to reconsider the vote by

which the pending bill was passed to its third reading.

Senator Pope moved to lay the motion of Senator Houston on the table.

Motion lost by the following vote:

## YEAS—10.

Buchanan,	Kleberg,	Pope,
Chesley,	Perry,	Terrell,
Gooch,	Pfeuffer,	Traylor.
Johnson of Collin,		

## NAYS—17.

Collins,	Harris,	Patton,
Evans,	Houston,	Peacock,
Farrar,	Johnston of Shelby,	Randolph,
Fowler,	Jones,	Shannon,
Getzendaner,	Martin,	Stratton-
Gibbs,	Matlock,	

Senator Peacock moved to postpone further consideration of the bill, and have the bill, as amended, published in the journal of to-morrow, with the lines of bill numbered, and the bill be made the special order for to-morrow.

The Senate refused to postpone by the following vote:

## YEAS—9.

Gibbs,	Matlock,	Randolph,
Harris,	Patton,	Stratton,
Houston,	Peacock,	Terrell.

## NAYS—18.

Buchanan,	Getzendaner,	Martin,
Chesley,	Gooch,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Evans,	Johnston of Shelby,	Pope,
Farrar,	Jones,	Shannon,
Fowler,	Kleberg,	Traylor.

Senator Houston's motion to reconsider the vote by which the bill was passed to its third reading was lost by the following vote:

## YEAS—11.

Evans,	Houston,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Patton,	Terrell.
Harris,	Peacock,	

## NAYS—14.

Chesley,	Johnson of Collin,	Pfeuffer,
Collins,	Kleberg,	Pope,
Getzendaner,	Martin,	Stratton.
Gibbs,	Matlock,	Traylor.
Gooch,	Perry,	

Senator Traylor moved to suspend the constitutional rule and put the bill on its third reading.

Adopted by the following vote:

The following reasons for votes cast on the passage of the bill were asked to be printed in the journal:

I vote yea, though I believe the bill strangely defective, but knowing the temper of the Senate from previous discussions, I have no hope of incorporating my ideas, and vote for the bill as better than nothing.

TERRELL.

I vote no, because I believe the bill, as amended, would be impracticable, inefficient, and would not accomplish the purpose for which it is designed.

EVANS.

I vote no, because the bill makes the State Treasurer the

financial agent of private parties, and makes contracts for private parties about their private property, which is not a proper subject of legislation.

JONES.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES.  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has passed "An act to amend article 804, chapter 1, title 18, of the Penal Code," the same being House bill No. 44. Passed by a two-thirds vote; ayes 75, nays 14.

Respectfully,  
J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has passed House bill No. 98, "An act to amend chapter 9, section 1, of an act passed at the regular session of the Seventeenth Legislature, authorizing county commissioners' courts to issue bonds for the erection of court houses, approved February 11, 1881, so as to include jail bonds."

Respectfully,  
J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am directed by the House to return to the Senate, as per request, Senate substitute for House bill No. 13, "An act to further regulate the collection of taxes on real estate, including lands heretofore bought by the State at delinquent tax sales."

Respectfully,  
J. W. BOOTH, Chief Clerk.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bills Nos. 32 and 44, being "An act to establish and maintain a system of public free schools for the State of Texas," etc., and find the same correctly engrossed.

MARTIN, Chairman.

Senator Traylor moved to suspend the rules and take up substitute for House bills Nos. 2, 8 and 9, "An act to prescribe the punishment for the wanton and willful cutting, injuring or destroying fences."

Adopted, and

Bill taken up and read first time.

Senator Martin moved the previous question on the passage of the bill to third reading.

Motion seconded, and

Main question ordered.

Senator Martin moved to suspend the constitutional rule and place the bill on its second reading.

Adopted by the following vote:

YEAS—24.

Buchanan,	Gibbs,	Martin,
Chesley,	Gooch,	Matlock,
Collins,	Harris,	Peacock,
Cooper,	Houston,	Pope,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Johnston of Shelby,	Stratton,
Fowler,	Jones,	Terrell,
Getzendaner,	Kleberg,	Traylor.

NAYS—1.

Randolph.

Bill read second time, and passed to third reading. Senator Martin moved to suspend the rules and put the bill on its third reading.

Adopted by the following vote:

YEAS—23.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Pfeuffer,
Cooper,	Johnson of Collins,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kleberg,	Stratton,
Getzendaner,	Martin,	Terrell,
Gibbs,	Matlock,	Traylor.

NAYS—none.

Senator Peacock moved that the bill be postponed till 3 o'clock p. m., that Judiciary Committee No. 2 may have time to investigate the questions involved, and report on the bill to-morrow.

Motion lost.

Senator Patton offered the following amendment: Amend by adding after "wantonly" "or with intent to injure the owner."

Senator Houston offered the following amendment to the amendment of Senator Patton: Strike out "and wantonly."

Withdrawn.

Senator Houston then offered the following amendment:

Strike out the word "and" before "wantonly" and insert "or."

Lost, and

Amendment of Senator Patton adopted by the following vote:

YEAS—28.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Cooper,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	Kleburg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gibbs,	Patton,	Traylor.
Gooch,		

NAYS—none.

Bill as amended passed by the following vote:

YEAS—28.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Cooper,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gibbs,	Patton,	Traylor.
Gooch,		

Senator Gibbs moved to suspend the regular order of business and take up Senate bill No. 42, "An act requiring a gateway in every two miles of fencing."

On motion of Senator Jones,

The Senate adjourned till 3 o'clock this afternoon.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.  
Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 63, being "An act to prevent the destruction of grass within enclosures," and find the same correctly engrossed.

All of which is respectfully submitted.

MARTIN, Chairman.

Senator Matlock, chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. —, entitled "An act to authorize the Commissioner of the General Land Office, with the approval of the Attorney-General, to compromise with persons and corporations, or their assigns, who attempt to purchase lands belonging to the university, common school, or any of the asylum funds under the acts of 1879 and 1881, and whose purchases are believed to be either irregular or void," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with following amendments.

All of which is respectfully submitted.

MATLOCK, Chairman.

#### COMMITTEE AMENDMENTS.

Amend by striking out all of section 2, and substitute therefor the following:

SEC. 2. Whenever persons who have attempted to make purchases of land, as set forth in section 1 of this act, shall come forward within six months from the passage of this act and relinquish all right, title and claim that they have or pretend to have to said land to the fund to which it properly belongs, and shall cancel all contracts held by him for said land, then they shall be exempt from all penalties incurred by them under any law of this State by reason of such attempted purchase.

On motion of Senator Gibbs,

Senator Farrar was excused indefinitely, after to-day, on account of important business.

The President referred the following House bills:

House bill No. 44, "An act to amend article 804, chapter 1, title 18 of the Penal Code," to Judiciary Committee No. 2.

House bill No. 98, "An act to amend chapter 9, section 1 of an act passed at the regular session of the Seventeenth Legislature, authorizing county commissioners' courts to issue bonds for the erection of court houses, approved February 11, 1881, so as to include jail bonds," to Committee on State Affairs.

Senator Gibbs moved to suspend the regular order of business and take up Senate bill No. 42, "An act requiring a gateway in every two miles of fencing, and punishing the building or maintaining any fence without such gateway."

Adopted.

Bill taken up and read second time.

Senator Traylor offered the following amendment:

Amend section 1, "and all persons who have fences already constructed in violation of this section shall have six months within which to conform to the provisions hereof."

Adopted.

Senator Peacock offered the following amendment:

Amend section one by striking out "two," in line 3, and insert "three" instead.

Adopted.

Senator Shannon offered the following amendment:

Insert after "fence," in line 3, the words "in one direction."

Senator Matlock offered the following amendment to the amendment of Senator Shannon:

Provided, that this act shall not apply to fences where the amount of land enclosed is under two thousand acres.

Accepted, and

The amendment of Senator Shannon lost.

Senator Kleberg offered the following amendment:

Amend by adding to section one:

Provided, that no person shall be permitted to enter said gates without the permission of the owner.

Adopted by the following vote:

YEAS—13.

Collins,	Johnson of Collin,	Matlock,
Farrar,	Johnston of Shelby,	Shannon,
Getzendaner,	Jones,	Stratton,
Gooch,	Kleberg,	Terrell.
Houston,		

NAYS—12.

Cooper,	Harris,	Perry,
Evans,	Martin,	Pope,
Fowler,	Patton,	Randolph,
Gibbs,	Peacock,	Traylor.

Senator Gibbs moved to indefinitely postpone further consideration of this bill.

Withdrawn.

Senator Traylor moved to reconsider the vote by which the amendment of Senator Kleberg was adopted.

Senator Houston made a point of order that the Senator could not move to reconsider, as he had voted on the losing side.

Point of order sustained.

Senator Gooch then moved to reconsider the vote adopting the amendment of Senator Kleberg.

Adopted, and vote reconsidered.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has adopted Senate concurrent resolution No. 5, "Asking for the appointment of a joint committee to investigate the alleged fraud in the enrollment of the Senate bill known as the Lunatic Asylum bill, passed by the regular session of the Eighteenth Legislature," and that Messrs. Foster of Limestone, Barrett and Garrison have been appointed on said committee.

Respectfully,

J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has concurred to Senate amendments to substitute House bill No. 11, "An act to amend article 413, chapter 2, title 13, of the Penal Code.

J. W. BOOTH, Chief Clerk.

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am directed by the House to inform the Senate that the House concurs in the first amendment and refuses to concur in the second amendment of the Senate to House bill No. 28, "An act to amend article 4360, title 87, chapter 1, providing for the establishment of public roads, and to prohibit commissioners' courts from altering or changing public roads, except for the purpose of shortening the distance from point of beginning to point of destination, and to repeal all laws in conflict with this act."

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Stratton offered the following amendment to the amendment of Senator Kleberg:

Amend by adding a proviso that this bill shall only apply to pasture lands.

Adopted by the following vote:

YEAS—24.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Cooper,	Johnson of Collin,	Pfeuffer,
Evans,	Johnston of Shelby,	Pope,
Farrar,	Jones,	Randolph,
Fowler,	Martin,	Shannon,
Getzendaner,	Matlock,	Stratton,
Gibbs,	Patton,	Traylor.

NAYS—4.

Collins,	Kleburg,	Terrell.
Houston,		

Senator Traylor offered the following amendment: Strike out the amendment offered by Senator Kleberg.

Withdrawn.

Senator Traylor then called for a division of the question on the amendment of Senator Kleberg as amended by the amendment of Senator Stratton.

The first division of the amendment was lost by the following vote:

YEAS—7.

Chesley,	Houston,	Kleberg,
Collins,	Johnston of Shelby,	Martin.
Farrar,		

NAYS—21.

Buchanan,	Harris,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Evans,	Jones,	Randolph,
Fowler,	Matlock,	Shannon,
Getzendaner,	Patton,	Stratton,
Gibbs,	Peacock,	Terrell,
Gooch,	Perry,	Traylor.

The second division was adopted.

Senator Shannon offered the following amendment:

In line 3, after the word "fence," insert the words "running in the same general direction."

Adopted.

Senator Matlock offered the following amendment:

SECTION —. If any person shall open and leave open any gate, such as is provided for in section two of this act, without the consent of the owner thereof, he shall be fined in any sum not less than one nor more than two hundred dollars.

Withdrawn.

Senator Pope offered the following amendment to the bill:

Amend by adding:

SECTION —. It shall be the duty of the owner or occupant of lands so enclosed, or his agent in control of same, to have posted, equi-distant between said gates, a board, upon which shall be painted in plain letters and figures the following: "A gate 1 1-2 miles," indicating the direction of said gate or gates.

Lost.

Senator Terrell offered the following amendment:

Provided, that no gate shall be required in any fence unless it opens on a road inside the enclosure which has been established in pursuance of law or voluntarily given by the owner of the enclosure.

Senator Gibbs moved to table the amendment of Senator Terrell.

Adopted by the following vote:

YEAS—15.

Cooper,	Harris,	Pfeuffer,
Evans,	Matlock,	Randolph,
Fowler,	Patton,	Shannon,
Gibbs,	Peacock,	Stratton,
Gooch,	Perry,	Traylor.

NAYS—12.

Chesley,	Houston,	Kleberg,
Collins,	Johnson of Collin,	Martin,
Farrar,	Johnston of Shelby,	Pope,
Getzendaner,	Jones,	Terrell.

Senator Gibbs offered the following amendment:

Add another section, as follows:

SEC. —. The near approach of the close of the present session rendering it improbable that this bill can pass in the usual course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Adopted.

Senator Chesley moved that this bill be recommitted to the Committee on Roads, Bridges and Ferries, with instructions to report a substitute making provision, 1, for the compulsory laying out of roads across all pasture lands not more than three miles apart, with a proviso that the owner of the pasture, upon making no charge for the right of way, shall be permitted to place convenient gates at the entrance of said roads into his pasture.

Lost.

The bill was ordered engrossed by the following vote:

YEAS—21.

Buchanan,	Gooch,	Perry,
Cooper,	Harris,	Pfeuffer,
Evans,	Johnson of Collin,	Pope,
Farrar,	Jones,	Randolph,
Fowler,	Matlock,	Shannon,
Getzendaner,	Patton,	Stratton,
Gibbs,	Peacock,	Traylor.

NAYS—7.

Chesley,	Johnston of Shelby,	Martin,
Collins,	Kleberg,	Terrell.
Houston,		

Senator Traylor moved to suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—25.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Cooper,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	Martin,	Shannon,
Fowler,	Matlock,	Stratton,
Getzendaner,	Patton,	Traylor.
Gibbs,		

## NAYS—1.

Kleberg.

Bill read third time and passed:

On motion of Senator Farrar,

Senators Gibbs, Harris and Cooper, the committee created by a resolution of several days since, were excused for the afternoon for the purpose of visiting and inspecting the Deaf and Dumb Asylum.

The President laid before the Senate House bill No. 1, entitled "An act to amend article 4662, chapter 1, title 95, of the Revised Statutes, as amended and approved May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution."

Bill read second time.

Senator Houston offered the following:

Amend the first Committee amendment by striking out 22½ cents and insert 20 cents.

Senator Jones offered the following substitute for the amendment and committee amendment:

Amend first committee amendment by striking out 22 1-2 and inserting 25.

Amendment to lie on the table.

On motion of Senator Houston,

The Senate adjourned till 10 o'clock to-morrow morning.

## TWENTY-SECOND DAY.

## SENATE CHAMBER,

AUSTIN, TEXAS, February 1, 1884.

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg,

The reading of yesterday's journal was dispensed with, and

The journal was adopted.

Senator Patton, by request, presented a petition from the citizens of Clay county, praying for first-class roads from county seat to county seat, and prohibiting gates on all roads.

Referred to Committee on Roads, Bridges and Ferries.

Senator Gooch presented a memorial from W. M. Davis, of Van Zandt county, urging the organization of the medical branch of the University of the State.

Referred to Committee on Education,

Senator Perry, chairman of Committee on Roads, Bridges and Ferries, submitted the following reports:

## COMMITTEE ROOM,

AUSTIN, February 1, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred the substitute for House bills Nos. 16, 41 and 69, entitled "An act to provide for the erection of gates into, and opening ways through, enclosed lands in this State, for the use of the public," have carefully examined the same and a majority of said committee instruct me to report the same back, with the recommendation that it lay on the table, for the reason that the matters contained in said bills have been pro-

vided for in other bills which have passed the Senate.

All of which is respectfully submitted.

FERRY, Chairman.

Bill read first time.

## COMMITTEE ROOM,

AUSTIN, February 1, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 13, entitled "An act to amend article 4389, of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879, and to provide for the removal of obstructions from public roads," have examined the same and a majority of said committee instruct me to report the same back, with the recommendation that it do not pass, for the reason that the matters referred to in said bill are provided for in other bills now before the Senate.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

Senator Harris, chairman of the Committee on Judicial Districts, submitted the following reports:

## COMMITTEE ROOM,

AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute for House bills Nos. 56 and 67, entitled "An act to amend sections 31 and 38 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

## COMMITTEE ROOM,

AUSTIN, February 31, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute for House bills Nos. 86, 89 and 93, entitled "An act to amend sections 5, 7, 26 and 39 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

The President gave notice of signing House bill No. 11, "An act to amend article 413, chapter 2, title 13 of an act entitled 'an act to adopt and establish the Penal Code of the State of Texas,' passed February 21, 1879, and to repeal all laws in conflict therewith."

The following message was received from the House:

## HOUSE OF REPRESENTATIVES,

AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has refused to concur in Senate amendments to substitute House bills Nos. 50 and 84, "An act to prohibit the unlawful fencing or enclosing or keeping enclosed of the lands of another, and of the public school, university and asylum lands of the State of Texas, and to provide a penalty therefor."

The bill, with amendments, is herewith returned.

J. W. BOOTH, Chief Clerk.

Senator Matlock moved that the Senate insist on its amendments, and ask for a free conference committee.

Adopted.